

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ROBERT DANIEL KEYS,

Plaintiff,

VS.

CANDACE TORRES, *et al*,

Defendants.

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CIVIL ACTION NO. 2:12-CV-350

ORDER

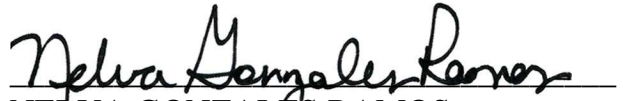
In their Motion to Dismiss (D.E. 109), the Individual Defendants¹ stated that this Court's Order (D.E. 108) adopting United States Magistrate Judge B. Janice Ellington's Memorandum and Recommendation (M&R) (D.E. 105) "may reasonably be read" as "substantially differing" from the M&R. D.E. 109, p. 2.

To clarify, this Court adopted the Magistrate Judge's recommendations pertaining to the Individual Defendants, which include: (1) dismissing with prejudice Plaintiff's First Amendment claims for money damages against the Individual Defendants in their official capacities; (2) dismissing Plaintiff's First Amendment claims for compensatory damages against the Individual Defendants; and (3) dismissing as moot Plaintiff's prospective injunctive relief as to Defendants David Diaz and Richard Crites as they are no longer employed by the Texas Department of Criminal Justice (TDCJ). The Court further adopted the Magistrate Judge's recommendation that "the case proceed to the filing of dispositive motions on Plaintiff's First Amendment claims for nominal and

¹ Individual Defendants include: Officer Jennifer Smith, Supervisor Kisha Collins, Officer Kandis Torres, Warden Carol Monroe, David Diaz, and Richard Crites.

punitive damages against the remaining six Defendants in their individual capacity, and for injunctive relief against those Defendants still employed by the TDCJ.” D.E. 105, p. 12. Lastly, by granting Plaintiff leave to amend his complaint in order to assert a First Amendment challenge of the correspondence policy itself against TDCJ-CID Director William Stephens, prospective injunctive relief against the Individual Defendants is limited only to claims pertaining to their application of the existing policy. D.E. 108, p. 3-4.

ORDERED this 2nd day of February, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE